

**FILED**

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

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10 Attorneys for Plaintiff,  
11 Lena Tokaelian

12  
13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15 WESTERN DIVISION  
16

17 Lena Tokaelian,

18  
19 Plaintiff,

20 vs.

21 Collection Technology, Inc.; and DOES 1-  
22 10, inclusive,

23 Defendants.  
24  
25  
26  
27  
28

Case No.:

**CV 13-06773** JEM

**COMPLAINT FOR DAMAGES**  
**1. VIOLATION OF FAIR DEBT**  
**COLLECTION PRACTICES ACT,**  
**15 U.S.C. § 1692 ET. SEQ;**  
**2. VIOLATION OF FAIR DEBT**  
**COLLECTION PRACTICES ACT,**  
**CAL.CIV.CODE § 1788 ET. SEQ.**

**JURY TRIAL DEMANDED**

COMPLAINT FOR DAMAGES

1 For this Complaint, the Plaintiff, Lena Tokaelian, by undersigned counsel,  
2 states as follows:  
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt  
6 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), and the invasions of  
7 Plaintiff's personal privacy by the Defendants and its agents in their illegal efforts to  
8 collect a consumer debt.  
9

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.  
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that  
13 Defendants transact business here and a substantial portion of the acts giving rise to  
14 this action occurred here.  
15

16 **PARTIES**

17 4. The Plaintiff, Lena Tokaelian (hereafter "Plaintiff"), is an adult  
18 individual residing in Glendale, California, and is a "consumer" as the term is  
19 defined by 15 U.S.C. § 1692a(3).  
20

21 5. Defendant, Collection Technology, Inc. ("CTI"), is a California business  
22 entity with an address of 1200 Corporate Center Drive, Suite 325, Monterey Park,  
23 California 91754, operating as a collection agency, and is a "debt collector" as the  
24 term is defined by 15 U.S.C. § 1692a(6).  
25  
26  
27  
28

1           6. Does 1-10 (the “Collectors”) are individual collectors employed by CTI  
2 and whose identities are currently unknown to the Plaintiff. One or more of the  
3 Collectors may be joined as parties once their identities are disclosed through  
4 discovery.  
5

6           7. CTI at all times acted by and through one or more of the Collectors.  
7

8                           **ALLEGATIONS APPLICABLE TO ALL COUNTS**

9       **A. The Debt**

10           8. The Plaintiff allegedly incurred a financial obligation (the “Debt”) to  
11 U.S. Department of Education (the “Creditor”).  
12

13           9. The Debt arose from services provided by the Creditor which were  
14 primarily for family, personal or household purposes and which meets the definition  
15 of a “debt” under 15 U.S.C. § 1692a(5).  
16

17           10. The Debt was purchased, assigned or transferred to CTI for collection, or  
18 CTI was employed by the Creditor to collect the Debt.  
19

20           11. The Defendants attempted to collect the Debt and, as such, engaged in  
21 “communications” as defined in 15 U.S.C. § 1692a(2).  
22

23       **B. CTI Engages in Harassment and Abusive Tactics**

24           12. Prior to and within the last year, CTI contacted Plaintiff’s friend in an  
25 attempt to collect the Debt from Plaintiff.  
26  
27  
28

1           13. CTI disclosed the nature of the call to Plaintiff's friend, causing a great  
2 deal of humiliation and distress to Plaintiff.

3  
4           14. Although Plaintiff had provided her friend's name and number as a  
5 reference on the original application, Plaintiff had not changed her telephone number  
6 in the past 19 years, therefore CTI had Plaintiff's contact information and has never  
7 attempted to call Plaintiff in an attempt to collect the Debt.  
8

9           15. CTI contacted a third party for purposes other than Plaintiff's location  
10 information since CTI previously had all the necessary information to reach Plaintiff.  
11

12           16. Following the call to Plaintiff's friend, Plaintiff contacted CTI and  
13 requested that CTI remove the reference number from the account and communicate  
14 with Plaintiff directly.  
15

16           17. Plaintiff further informed CTI that she was unemployed at that time and  
17 could not afford to repay the Debt in full, however offered to make small monthly  
18 payments in an effort to stop collection activity.  
19

20           18. CTI agreed to accept payments from Plaintiff, however demanded that  
21 Plaintiff provided three references.  
22

23           19. Plaintiff stated that she did not have any family in this country other than  
24 her minor children.  
25  
26  
27  
28

1           20. CTI responded that it would not accept payments from Plaintiff unless  
2 the references were provided and advised Plaintiff to use her Facebook friends as  
3 references.  
4

5  
6 **C. Plaintiff Suffered Actual Damages**

7           21. The Plaintiff has suffered and continues to suffer actual damages as a  
8 result of the Defendants' unlawful conduct.  
9

10          22. As a direct consequence of the Defendants' acts, practices and conduct,  
11 the Plaintiff suffered and continues to suffer from humiliation, anger, anxiety,  
12 emotional distress, fear, frustration and embarrassment.  
13

14          23. The Defendants' conduct was so outrageous in character, and so extreme  
15 in degree, as to go beyond all possible bounds of decency, and to be regarded as  
16 atrocious, and utterly intolerable in a civilized community.  
17

18  
19 **COUNT I**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
20 **15 U.S.C. § 1692, et seq.**

21          24. The Plaintiff incorporates by reference all of the above paragraphs of this  
22 Complaint as though fully stated herein.

23          25. The Defendants communicated with individuals other than the Plaintiff,  
24 the Plaintiff's attorney, or a credit bureau, in violation of 15 U.S.C. § 1692b and  
25 1692c(b).  
26  
27  
28

26. The Defendants engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

27. The Defendants used unfair and unconscionable means to collect a debt, in violation of 15 U.S.C. § 1692f.

28. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

29. The Plaintiff is entitled to damages as a result of the Defendants' violations.

**COUNT II**  
**VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION**  
**PRACTICES ACT, Cal. Civ. Code § 1788 *et seq.***

30. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

31. The Rosenthal Fair Debt Collection Practices Act, California Civil Code section 1788 *et seq.* (“Rosenthal Act”) prohibits unfair and deceptive acts and practices in the collection of consumer debts.

32. Collection Technology, Inc., in the regular course of business, engages in debt collection and is a “debt collector” as defined by Cal. Civ. Code § 1788.2(c).







1 F. Actual damages from the Defendants for the all damages including  
2 emotional distress suffered as a result of the intentional, reckless, and/or  
3 negligent FDCPA violations and intentional, reckless, and/or negligent  
4 invasions of privacy and intentional infliction of emotional distress in an  
5 amount to be determined at trial for the Plaintiff;  
6

7  
8 G. Punitive damages; and

9 H. Such other and further relief as may be just and proper.  
10

11 **TRIAL BY JURY DEMANDED ON ALL COUNTS**  
12

13 DATED: September 13, 2013

TAMMY HUSSIN

14 

15 By: \_\_\_\_\_

16 Tammy Hussin, Esq.

17 Lemberg & Associates, LLC

18 Attorney for Plaintiff, Lena Tokaelian  
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UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

Lena Tokaelian

PLAINTIFF(S)

v.

Collection Technology, Inc.; and DOES 1-10,  
 inclusive,

DEFENDANT(S).

CASE NUMBER

**CV 13-06773** -JEM

**SUMMONS**

TO: DEFENDANT(S): Collection Technology, Inc.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Tammy Hussin, Esq., Lemberg & Associates, LLC, whose address is 6404 Merlin Drive, Carlsbad, CA 92011. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 13 2013

By: 

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].